

23528-030  
Patent**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED  
CENTRAL FAX CENTER

Applicant: Linda M. Smith, *et al.*  
Serial No.: 09/645,292  
Filed: 08/24/2000  
For: TARGETED MARKETING  
SYSTEM AND METHOD

Confirmation No.: 3365  
Art Unit: 3622  
Examiner: Janvier, Jean D.  
Attorney Docket No: 23528-030

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office, Fax No.  
(571) 273-8300, on

Date: 9/8/06 By: Leslie Hoffmann  
Leslie Hoffmann

SEP 08 2006

**RESPONSE TO REQUEST FOR INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Response is being filed in response to the Office Communication mailed June 8, 2006 requesting information regarding the companies identified during the telephonic interview held herein on April 10, 2006. The June 8, 2006 Office Communication refers to "Amway," however the Applicants' representative did not refer to Amway during the interview but, rather, to Mary Kay and EZFace.

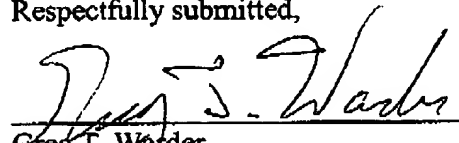
Item 3 of the Office Communication requests the names of products incorporating the claimed subject matter. The website for Mary Kay Inc., [www.marykay.com](http://www.marykay.com), includes a link ([www.marykay.com/whatsnew/virtualmakeover/default.aspx](http://www.marykay.com/whatsnew/virtualmakeover/default.aspx)) that allows a user to apply makeup to an image of a model. The website for EZface Inc., [www.ezface.com](http://www.ezface.com), includes a link ([www.ezface.com/ActiveX/index.html](http://www.ezface.com/ActiveX/index.html)) that allows the application of makeup combinations on either the user's image or a model. The Applicants do not have sufficient details of either product to determine whether the products incorporate the claimed subject matter. The links to the websites are being provided for the sake of completeness and to comply with the Applicants' duty

of disclosure. In addition, the Applicants bring to the attention of the Examiner the following patent relating to EZface, which was recently discovered: US 6,937,755, issued on August 30, 2005. This patent and the two websites listed above will also be disclosed in an Information Disclosure Statement.

Item 4 of the Office Communication requests a rigid comparison of the alleged infringing products along with supporting documents concerning place and dates of use and sale. The Applicants do not have sufficient details of the Mary Kay or EZface products to determine whether they infringe all the elements recited in independent claims 21, 33, and 46. Thus, the Applicants are not at this time alleging infringement by these products and are not submitting a rigid comparison.

This Response to Request for Information is accompanied by a Petition for One-Month Extension of Time to extend the due date from August 8, 2006 to September 8, 2006. The Commissioner is hereby authorized to charge any additional fees which may be required by this Response to Response to Request for Information, or credit any overpayment, to Deposit Account No.50-1847 of Manatt, Phelps & Phillips.

Respectfully submitted,



Greg T. Warder  
Registration No. 50,208  
MANATT, PHELPS & PHILLIPS LLP  
1001 Page Mill Road, Building 2  
Palo Alto, California 94304  
650-812-1327 Telephone  
650-213-0286 Facsimile

20160649.1

PTO/SB/17 (01-08)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**for FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$240.00)**Complete If Known**

Application Number	09/645,292
Filing Date	August 24, 2000
First Named Inventor	Linda M. Smith
Examiner Name	Jean D. Janvier
Art Unit	3622
Attorney Docket No.	23528-030

RECEIVED  
CENTRAL FAX CENTER

SEP 08 2006

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-1847 Deposit Account Name: Manatt, Phelps & Phillips

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	Fee (\$)	Fees Paid (\$)
Each claim over 20 (including Reissues)	50	25	
Each independent claim over 3 (including Reissues)	200	100	
Multiple dependent claims	360	180	
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
- 20 or HP =	x	=	
HP = highest number of total claims paid for, if greater than 20			
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
- 3 or HP =	x	=	
HP = highest number of independent claims paid for, if greater than 3			

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
- 100 =	/50 =	(round up to a whole number)	x	=

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Ext of Time - One Month (small entity); fee pursuant to 37CFR 1.17(p) 240.00

**SUBMITTED BY**

Signature	Registration No. 50,208 (Attorney/Agent)	Telephone (650) 812-1321
Name (Print/Type)	Greg T. Warder	Date September 8, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AmericanLegalNet, Inc.  
www.AmericanLegalNet.com

**manatt**  
manatt | phelps | phillips**Fax Transmission**Manatt, Phelps & Phillips, LLP  
11355 West Olympic Boulevard, Los Angeles, California 90064-1614  
Telephone: 310.312.4000 Fax: 310.312.4224**RECEIVED**  
**CENTRAL FAX CENTER**

Re:	<b>ATTORNEY DOCKET NO. 23528-030</b>	<b>SEP 08 2006</b>
Application Serial No.:	<b>09/645,292</b>	

To:	United States Patent and Trademark Office
Fax No.:	571-273-8300
Tel. No.:	571-272-4000
From:	Greg T. Warder
Tel. No.:	650-812-1300
Date:	September 8, 2006
No. of Pages inc. this Cover Sheet	
	If you do not receive all of the pages please call (650) 812-1300 as soon as possible. Thank you.

Application No.	<b>09/645,292</b>	Examiner	Jean D. Janvier
Inventor(s)	Linda M. Smith	Art Unit/Conf. No.	3622/3365
Filed	August 24, 2000	Attorney Docket No.	23528-030
Title:	<b>TARGETED MARKETING SYSTEM AND METHOD</b>		

Pages:	<b>10</b>

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.

Operator Use Only

Operator's Name

Comments:

Total Pages:

Time transmission completed:  
p.m.

a.m.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

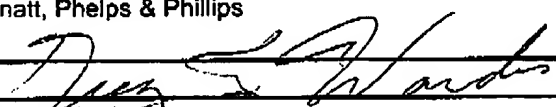
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/645,292	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>SEP 08 2006</b>
	Filing Date	August 24, 2000	
	First Named Inventor	Linda M. Smith	
	Art Unit	3622	
	Examiner Name	Jean D. Janvier	
Total Number of Pages in This Submission	Attorney Docket Number	23528-030	

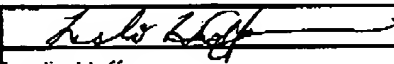
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Request for Information; PTO/SB/08a & 08b; and authorization to charge Deposit Account No. 50-1847.
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Manatt, Phelps & Phillips		
Signature			
Printed name	Greg T. Warder		
Date	September 8, 2006	Reg. No.	50,208

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		
Typed or printed name	Leslie Hoffmann	Date
		September 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.  
www.USCourtForms.com